



11-20-02

3731A

Patent
Dkt. No. 702563-46
(Former Lyon & Lyon Dkt. No. 249/056)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 3731

ROURKE, Jonathan M. et al.

Examiner: Ho, Uyen T.

Serial No.: 09/664,970

)

Filed: September 18, 2000

)

For: APPARATUS FOR DELIVERING
ENDOLUMINAL PROSTHESES AND
METHODS OF MAKING AND USING
THEM

)

)

)

)

)

RECEIVED

NOV 26 2002

TECHNOLOGY CENTER R3700

TRANSMITTAL LETTER

Box Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the **Office Action**, which was mailed by the Patent Office on July 16, 2002,

enclosed are:



Amendment and Response

OC-130251

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EV 209283596US

Express Mail Label No.

November 18, 2002

Date of Deposit

Valerie Cloyd

Name of Person Mailing Paper

Signature of Person Mailing Paper

Patent
Dkt. No. 702563-46
(Former Lyon & Lyon Dkt. No. 249/056)

- Fee Transmittal
- Revocation and Power of Attorney

Respectfully submitted,

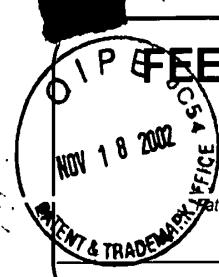
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
Charles C. Fowler
Reg. No. 39,675

Dated: November 18, 2002

ORRICK, HERRINGTON &
SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
(949) 567-6700

The Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 139)

Complete if Known	
Application Number	09/664,970
Filing Date	September 18, 2000
First Named Inventor	Rourke, et al.
Examiner Name	Ho, Uyen T.
Group / Art Unit	3731
Attorney Docket No.	702563-56

RECEIVED

NOV 26 2002

TECHNOLOGY CENTER R3700

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																													
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 15-0665 Deposit Account Name: Orrick, Herrington & Sutcliffe, LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25 Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130 Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520 For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55 Extension for reply within first month</td><td>55.00</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200 Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460 Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720 Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980 Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160 Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140 Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55 Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640 Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230 Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310 Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130 Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50 Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180 Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40 Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370 Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370 For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370 Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900 Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$ 55.00)</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65 Surcharge - late filing fee or oath		127	50	227	25 Surcharge - late provisional filing fee or cover sheet.		139	130	139	130 Non-English specification		147	2,520	147	2,520 For filing a request for reexamination		112	920*	112	920* Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840* Requesting publication of SIR after Examiner action		115	110	215	55 Extension for reply within first month	55.00	116	400	216	200 Extension for reply within second month		117	920	217	460 Extension for reply within third month		118	1,440	218	720 Extension for reply within fourth month		128	1,960	228	980 Extension for reply within fifth month		119	320	219	160 Notice of Appeal		120	320	220	160 Filing a brief in support of an appeal		121	280	221	140 Request for oral hearing		138	1,510	138	1,510 Petition to institute a public use proceeding		140	110	240	55 Petition to revive – unavoidable		141	1,280	241	640 Petition to revive – unintentional		142	1,280	242	640 Utility issue fee (or reissue)		143	460	243	230 Design issue fee		144	620	244	310 Plant issue fee		122	130	122	130 Petitions to the Commissioner		123	50	123	50 Processing fee under 37 CFR 1.17 (q)		126	180	126	180 Submission of Information Disclosure Stmt		581	40	581	40 Recording each patent assignment per property (times number of properties)		146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370 Request for Continued Examination (RCE)		169	900	169	900 Request for expedited examination of a design application		Other fee (specify) _____				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 55.00)
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																													
105	130	205	65 Surcharge - late filing fee or oath																																																																																																																																																														
127	50	227	25 Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																														
139	130	139	130 Non-English specification																																																																																																																																																														
147	2,520	147	2,520 For filing a request for reexamination																																																																																																																																																														
112	920*	112	920* Requesting publication of SIR prior to Examiner action																																																																																																																																																														
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action																																																																																																																																																														
115	110	215	55 Extension for reply within first month	55.00																																																																																																																																																													
116	400	216	200 Extension for reply within second month																																																																																																																																																														
117	920	217	460 Extension for reply within third month																																																																																																																																																														
118	1,440	218	720 Extension for reply within fourth month																																																																																																																																																														
128	1,960	228	980 Extension for reply within fifth month																																																																																																																																																														
119	320	219	160 Notice of Appeal																																																																																																																																																														
120	320	220	160 Filing a brief in support of an appeal																																																																																																																																																														
121	280	221	140 Request for oral hearing																																																																																																																																																														
138	1,510	138	1,510 Petition to institute a public use proceeding																																																																																																																																																														
140	110	240	55 Petition to revive – unavoidable																																																																																																																																																														
141	1,280	241	640 Petition to revive – unintentional																																																																																																																																																														
142	1,280	242	640 Utility issue fee (or reissue)																																																																																																																																																														
143	460	243	230 Design issue fee																																																																																																																																																														
144	620	244	310 Plant issue fee																																																																																																																																																														
122	130	122	130 Petitions to the Commissioner																																																																																																																																																														
123	50	123	50 Processing fee under 37 CFR 1.17 (q)																																																																																																																																																														
126	180	126	180 Submission of Information Disclosure Stmt																																																																																																																																																														
581	40	581	40 Recording each patent assignment per property (times number of properties)																																																																																																																																																														
146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																														
149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																														
179	740	279	370 Request for Continued Examination (RCE)																																																																																																																																																														
169	900	169	900 Request for expedited examination of a design application																																																																																																																																																														
Other fee (specify) _____																																																																																																																																																																	
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 55.00)																																																																																																																																																													
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																	

SUBMITTED BY Complete (if applicable)					
Name (Print/Type)	Charles C. Fowler	Registration No. Attorney/Agent)	39,675	Telephone	(949) 567-6700
Signature				Date	November 18, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

11/21/2002 VOL15151-000006-135655-A064970

11/21/2002 VOL15151-000006-135655-A064970

CH



Patent
Orrick Dkt. No. 702563-46
(Lyon & Lyon Dkt. 249/056)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9/11

In re Application of:) Group Art Unit: 3731
ROURKE, Jonathan M., et al.)
Serial No.: 09/664,970)
Filed: September 18, 2000)
For: APPARATUS FOR DELIVERING)
ENDOLUMINAL PROSTHESES AND)
METHODS OF MAKING AND USING)
THEM)

RECEIVED
NOV 26 2002
TECHNOLOGY CENTER R3700

Commissioner for Patents
Washington, D.C. 20231

11/21/2002 YPOLITE1 00000045 09664970

01 FC:2251 55.00 CH

AMENDMENT AND RESPONSE

Dear Sir/Madam:

In response to the Office Action mailed July 16, 2002, please amend the above-identified application as follows:

11/21/2002 YPOLITE1 00000046 09664970

01 FC:2201 OC-130153 \$4.00 CH

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EV209283596US
Express Mail Label No.

November 18, 2002
Date of Deposit

Valerie Cloyd
Name of Person Mailing Paper
Valerie Cloyd
Signature of Person Mailing Paper